

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

JUAN CARLOS LANTIGUA-ALMONTE,

Defendant,

-and-

ROSANA RODRIGUEZ
MARYBEL MAMBRU
WANDA VASQUEZ

Sureties.

MEMORANDUM AND ORDER

1:07-CR-804 (ENV)(JO)

VITALIANO, D.J.

On April 28, 2008, defendant Lantigua-Almonte breached the conditions of his bond by failing to return to his residence. Thereafter, a warrant was issued for the defendant's arrest. The Government moved on or around October 29, 2008 for entry of a \$200,000 judgment against the defendant and bond sureties Rosana Rodriguez, Marybel Mambru, and Wanda Vasquez. That motion was referred by this Court to Magistrate Judge Orenstein on October 31, 2008. On December 10, 2008, Magistrate Judge James Orenstein issued his Report and Recommendation, where he recommended that the bail be declared forfeited, that such forfeiture be set aside as to surety Rodriguez, and that default judgment in the amount of \$200,000 be entered against Lantigua-Almonte, Mambru, and Vasquez.¹ No objections to Magistrate Judge Orenstein's Report and Recommendation have been timely filed.

On December 30, 2008, the Government withdrew its motion to enter default judgment on the bail bond in this action as to sureties Vasquez, Mambru, and Rodriguez but

¹ In his Report and Recommendation, Magistrate Judge Orenstein also recommended that the Court allow sureties Mambru and Vasquez an opportunity to demonstrate that judgment should be remitted pursuant to Federal Rule of Criminal Procedure 46(f)(4).

requested that the Court enter default judgment in the amount of \$200,000 against the defendant. Accordingly, the motion with respect to Vasquez, Mambru, and Rodriguez is rendered moot and is dismissed on that basis.

However, the Government's motion to enforce the bail bond against the defendant remains. Therefore, the Court looks to the findings and recommendations made by Magistrate Judge Orenstein in his Report and Recommendation concerning the defendant. In reviewing a Report and Recommendation, this court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge's Report and Recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of the record, the Court finds no clear error in Magistrate Judge Orenstein's findings with respect to the defendant and adopts Magistrate Judge Orenstein's Report and Recommendation insofar as it recommends that default judgment on the bail bond be entered against defendant Lantigua-Almonte. Accordingly, the Government's motion to enter default judgment in the amount of \$200,000 against Lantigua-Almonte is granted.

SO ORDERED.

Dated: Brooklyn, New York
January 6, 2009

s/ENV

ERIC N. VITALIANO
United States District Judge